

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM O. LANTANASIO,
Petitioner,

v.

JEFFREY A. BEARD,
Respondent.

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C.A. No. 05-162 Erie

**District Judge McLaughlin
Magistrate Judge Baxter**

ORDER

_____ On May 24, 2005, Petitioner filed a motion to proceed *in forma pauperis* [Document # 1], which was unaccompanied by a certified copy of his inmate account statement, as required by 28 U.S.C. § 1915(a)(2). As a result, this Court issued a Report and Recommendation on June 3, 2005, recommending that this case be dismissed without prejudice. [Document # 2]. On June 10, 2005, Petitioner filed an Objection to this Court's Report and Recommendation requesting a ten (10) day extension in which to file another *in forma pauperis* request accompanied by a certified account statement. To date, however, Petitioner has failed to file the required account statement in support of his pending *in forma pauperis* request.

AND NOW, this 1st day of August, 2005,

In light of the foregoing, IT IS HEREBY ORDERED that Petitioner show cause on or before August 16, 2005, for his failure to file a certified copy of his inmate account statement for the six month period immediately preceding the filing of his motion to proceed *in forma pauperis*. If Petitioner fails to file a certified account statement with this Court on or before August 16, 2005, this case will be dismissed for failure to prosecute in accordance with this Court's Report and Recommendation dated June 3, 2005.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten

(10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge